

Parental Childcare and Employment Policy

“Collision or Complementarity?”

Hosted by the
Czech Presidency at the EU Council
and
the Deputy Prime Minister
& Minister of Labour and Social Affairs
of the Czech Republic

Supported by the
European Commission

Prague Congress Centre
Prague, Czech Republic
5 to 6 February, 2009

Prof. Dr. Spyridon Paraskewopoulos
Leipzig University

Modern Family Policy and its Relation to the Employment Policy

Content: 1. Traditional (classic) Conception of the Family

2. Concept of Family in Modern Society

3. Family Policy in EU Countries

3.1 Scandinavian Model

3.2 French Model

3.3 German-speaking Countries Model

3.4 Anglo-saxon Model

3.5 South-European Model

4. Conclusions for and against Adopting a Common European Family Policy

1. Traditional (classic) Conception of Family

European countries are aware of the need for an active approach to family policy. Their future depends on the birth of large numbers of children, on children being raised in beneficial social environments, and educated as responsible individuals able to live in society.¹

These assumptions are, however, in today's environment very sensitive. The primary decisions are not part of the state competence. These are personal responsibilities of men and women in the sphere of personal liberty, and this responsibility cannot fall within the competence of any law. Last, but not least, public welfare depends on individual family planning and the educational abilities of parents. The state, however, is not indifferent to these basic life principles. Issues, that cannot be governed by the state can be, at least, supported by it, and what cannot be ordered by the state can be, at least, stimulated by it. The state can ensure legal and real conditions that will support families and their willingness to have children. 2 The possibilities for influencing are limited. However, these are very strongly perceived by European states. States have elaborated on the concepts of family policy that currently combine, on various levels, the traditional patterns and needs of current life. From Finland to Greenland, the family policy map is a reflection of variety and national specifics.

The topics are very varied: equalization of genders and protection against discrimination, equal treatment on the labour market, protecting mothers, parental leave, childcare, social benefits, fighting child poverty, continuous supply of financial subsidies in relation to demographic changes, and many others.

Two different systems do not enable a comprehensive concept to be produced. Nevertheless, we can talk about two dominant directions: economic and emancipatory. From the economic view point, family is perceived as a disturbing factor of the economic process because childcare deprives the economy of a work force, thus depleting a valuable financial source. In the majority of cases this is the mother. Politicians strive to use this situation on the market as best they can. Childcare is not considered to be employment and therefore not evaluated as such in statistics. On the contrary; mother care results in a decrease of the employment of women. In this context, however, the family seems to be an inevitable base for resolving demographic issues, which create a burden for the labour market, systems of social support and state budget. Therefore, the family is supported, for the economy - in the jargon of the EU in each role that it plays in "the creation and reproduction of

socio-economy potential.³ The factor of emancipation is also significant in the European family policy; it strives to achieve an absolute equalization of genders, cancellation of traditional division of roles - men work, women take care of children and the household; removal of the existing imbalance, ensuring the compatibility of family and employment for both parties and enabling mutual financial independence for men and women. In the conflict of intentions between equalizing genders, the freedom of both partners and in establishing tasks of them in the family, the European Union is biased towards equalization by the model of gender equality.

Completely shadowed by the main objectives is the objective, which should be, objectively, a priority of the family policy agenda: child's well-being. Let us not forget: for the child itself, not because of the demographical balance, employment policy or because of equalizing parents.

The European Union is expected to find the key to solving the existing problems of family policy. Member states' governments hope that they will be able to better enforce their own, unpopular objectives via supranational instances, which are remote from voters, far from the oppositions and there is no public pressure imposed other than via national parliaments. The importance of family policy is generally acknowledged, so it is evident that decisions should be made at the highest level. The national family policy must, however, overcome a legal obstacle: proof of qualification.

On the other hand, member states do not have to provide such evidence. Their authority to decide on family policy issues is understood on its own. The power of its authorizations - the state determines its authorizations on its own by the content and objective of tasks, which the state wishes to attend to. Supremely, it defines its own sphere of action. The state as such disposes of virtual general authorizations. The state uses these based on individual political needs, while emphasizing ideas of general well being, within the constitutional limits.⁴

And this very thing is withheld from the European Union. It does not have the specifics that make the state. It is governed by laws of a limited number of authorized agents for individual cases.⁵ Its uniqueness is within the limits contractually limited authorizations and contractually determined objectives (Art. 5, Para. 1, EEC Treaty). It does not have any authorizations to issue legal norms.⁶ Nor has it any other authorizations.⁷ As a simple union of states, it is inclined against authorizations that were transferred to it by the treaties of

individual member states. The states are in charge of treaties. The legal acts of the Community must respect the legal base thereof in the form of explicit references or other supporting points. 8 If the authorization for the family policy sphere is missing, it is acting *ultra vires*.

2. Concept of Family in Modern Society

Essential rights treat the family in another, personal context. The family is perceived as a natural, original society. If, by the Lisbon Treaty, the European Charter of Essential Rights becomes legally binding, the question arises of where the basic articles on the family should not be given more attention from the viewpoint of a comprehensive family policy. This applies to ensuring legal, economic and social protection of the family (Art. 33, Para. 1 of the Charter) and to ensuring from the viewpoint of unified family and professional life, that each individual has the right to be protected against being discharged because of maternity, as well as a title to a paid maternity leave after the birth or adoption (Art. 33, Para. 2 of the Charter).⁹ European politicians expect these provisions to increase the efficiency of the European family policy. ¹⁰ However, legal support for these political expectations cannot be sustained by articles contained in a summary of essential rights. Essential rights assume the specification of authorizations. They control and specify the scope of their actions, but do not substantiate them. According to the Charter, essential rights are supranational, if sufficient. However, they do not contain any new authorizations ¹¹ and do not extend the scope of their activity.

Therefore, we can not imply any limitations of authorizations for the family policy sphere from basic law elements of the general law principles of the Community or from the European convention on human rights.

Based on the above-mentioned it is clear that the European Union disposes of only marginal and disparate authorizations in the family policy sphere and these are limited to economic aspects, as a principle.¹² However, this is not reflected in the common practice of the Union bodies. They extensively enforce their authorizations. Where the treaty text provides only a symbolic finger of aid, they tend to grab the whole hand. Specification of authorizations is, however, not defined selectively, and certainly not by various spheres, as in the Federal Constitution due to the limitation of central institutions and member states, but based on the determined objectives for establishing a unified EU internal market.¹³ This

corresponds to the nature of the Community. Contrary to the federal state, the Union is not a final structure, but an unfinished construction site. Static elements of institutions remit to dynamic elements of integration. The Union is not saturated from the viewpoint of authorizations. Thus, the Union seeks to acquire extensive authorizations in dividing authorizations by contractual right for the family policy sphere. In this process, the arguments usual for the integration process could be helpful.

One of these is the doctrine of implicit authorizations, according to which unwritten authorizations are implied from specific internal logics of the given authorities.¹⁴ For the family policy sphere, such logic cannot be derived in the excess of the framework of determinate authorities. Of course, in actual life, everything is connected to everything. This is, however, not an argument for specifying authorities. Specifying authorities separates associated scopes of actions and redistributes them to the various parties involved.

3. Family Policy in EU Countries

The European Union is expected to find the key to solving the existing problems of family policy. Member states' governments hope that they will be able to better enforce their own, unpopular objectives via supranational instances, which are remote from voters, far from the opposition, and there is no public pressure imposed other than via national parliaments. The importance of family policy is generally acknowledged, so it is evident that decisions should be made at the highest level. The national family policy must, however, overcome a legal obstacle: proof of qualification.

On the other hand, member states do not have to provide such evidence. Their authority to decide on family policy issues is understood on its own. The power of its authorizations - the state determines its authorizations on its own by the content and objective of tasks, which the state wishes to attend to. Supremely, it defines its own sphere of action. The state as such disposes of virtual general authorizations. The state uses these based on individual political needs, while emphasizing ideas of general well being, within the constitutional limits.¹⁵

- 1. Scandinavian Model,**
- 2. French Model,**
- 3. German-speaking Countries Model,**
- 4. Anglo-Saxon Model**

5. South-European Model.

In its effort towards the compatibility of employment and private life, the European Union is inclined against its mandate within the employment policy and requires the establishment of affordable facilities providing childcare for a minimum determined number.¹⁶ We can assume that the treaty will not include acts of secondary law of such a nature. From the viewpoint of economy competences we can assume that the European law treats the family as an exclusively economic agenda. "The access method focuses primarily on the rights of an individual, being a person conceived as an economic subject."¹⁷ This EU jargon must not be understood as the EU despising human values. This diction is rather a mere expression of limited authorizations, thus an expression of an inevitable, legitimate bias.

3.1 Scandinavian Model

Essential rights treat the family in another, personal context. The family is perceived as a natural, original society. If, by the Lisbon Treaty, the European Charter of Essential Rights becomes legally binding, the question arises of where the basic articles on the family should not be given more attention from the viewpoint of a comprehensive family policy. This applies to ensuring legal, economic and social protection of the family (Art. 33, Para. 1 of the Charter) and to ensuring from the viewpoint of unified family and professional life, that each individual has the right to be protected against being discharged because of maternity, as well as a title to a paid maternity leave after the birth or adoption {Art. 33, Para. 2 of the Charter).¹⁸ European politicians expect these provisions to increase the efficiency of the European family policy. ¹⁹ However, legal support for these political expectations cannot be sustained by articles contained in a summary of essential rights. Essential rights assume the specification of authorizations. They control and specify the scope of their actions, but do not substantiate them. According to the Charter, essential rights are supranational, if sufficient. However, they do not contain any new authorizations ²⁰ and do not extend the scope of their activity.

Therefore, we can not imply any limitations of authorizations for the family policy sphere from basic law elements of the general law principles of the Community or from the European convention on human rights. Based on the above-mentioned it is clear that the European Union disposes of only marginal and disparate authorizations in the family policy sphere and these are limited to economic aspects, as a principle.²¹ However, it is not re-

flected in the common practice of the Union bodies. They extensively enforce their authorizations. Where the treaty text provides only a symbolic finger of aid, they tend to grab the whole hand. Specification of authorizations is, however, not defined selectively, and certainly not by various spheres, as in the Federal Constitution due to the limitation of central institutions and member states, but based on the determined objectives for establishing a unified EU internal market.²² This corresponds to the nature of the Community. Contrary to the federal state, the Union is not a final structure, but an unfinished construction site. Static elements of institutions remit to dynamic elements of integration. The Union is not saturated from the viewpoint of authorizations. Thus, the Union seeks to acquire extensive authorizations in dividing authorizations by contractual right for the family policy sphere. In this process, the arguments usual for the integration process could be helpful.

3.2 French Model

The European Union is expected to find the key to solving the existing problems of family policy. Member states' governments hope that they will be able to better enforce their own, unpopular objectives via supranational instances, which are remote from voters, far from the opposition, and there is no public pressure imposed other than via national parliaments. The importance of family policy is generally acknowledged, so it is evident that decisions should be made at the highest level. The national family policy must, however, overcome a legal obstacle: proof of qualification.

On the other hand, member states do not have to provide such evidence. Their authority to decide on family policy issues is understood on its own. The power of its authorizations - the state determines its authorizations on its own by the content and objective of tasks, which the state wishes to attend to. Supremely, it defines its own sphere of action. The state as such disposes of virtual general authorizations. The state uses these based on individual political needs, while emphasizing ideas of general well being, within the constitutional limits.²³

Comments: The issue of specification of authorizations is driven by who can decide, not by what the right decision should be. The agenda, thus, is not family policy as such, but is a debate on a political level on who is authorized to decide in this sphere.

3.3 German-speaking Countries Model

Essential rights treat the family in another, personal context. The family is perceived as a natural, original society. If, by the Lisbon Treaty, the European Charter of Essential Rights becomes legally binding, the question arises of where the basic articles on the family should not be given more attention from the viewpoint of a comprehensive family policy. This applies to ensuring legal, economic and social protection of family (Art. 33, Para. 1 of the Charter) and to ensuring from the viewpoint of unified family and professional life, that each individual has the right to be protected against being discharged because of maternity, as well as a title to a paid maternity leave after the birth or adoption {Art. 33, Para. 2 of the Charter}.²⁴ European politicians expect these provisions to increase the efficiency of the European family policy. ²⁵ However, legal support for these political expectations cannot be sustained by articles contained in a summary of essential rights. Essential rights assume the specification of authorizations. They control and specify the scope of their actions, but do not substantiate them. According to the Charter, essential rights are supranational, if sufficient. However, they do not contain any new authorizations ²⁶ and do not extend the scope of activity thereof. Therefore, we can not imply any limitations of authorizations for the family policy sphere from basic law elements of the general law principles of the Community or from the European convention on human rights.

Based on the above-mentioned it is clear that the European Union disposes of only marginal and disparate authorizations in the family policy sphere and these are limited to economic aspects, as a principle.²⁷ However, this is not reflected in the common practice of the Union bodies. They extensively enforce their authorizations. Where the treaty text provides only a symbolic finger of aid, they tend to grab the whole hand. Specification of authorizations is, however, not defined selectively, and certainly not by various spheres, as in the Federal Constitution due to limitation of central institutions and member states, but based on the determined objectives for establishing a unified EU internal market.²⁸ This corresponds to the nature of the Community. Contrary to the federal state, the Union is not a final structure, but an unfinished construction site. Static elements of institutions remit to dynamic elements of integration. Union is not saturated from the viewpoint of authorizations. Thus, the Union seeks to acquire extensive authorizations in dividing authorizations by contractual right for the family policy sphere. In this process, the arguments usual for the integration process could be helpful.

3.4 Anglo-Saxon Model

In its effort towards the compatibility of employment and private life, the European Union is inclined against its mandate within the employment policy and requires the establishment of affordable facilities providing childcare for a minimum determined number.²⁹ We can assume that the treaty will not include acts of secondary law of such a nature. From the viewpoint of economy competences we can assume that the European law treats the family as an exclusively economic agenda. "The access method focuses primarily on the rights of an individual, being a person conceived as an economic subject."³⁰ This EU jargon must not be understood as the EU despising human values. This diction is rather a mere expression of limited authorizations, thus an expression of an inevitable, legitimate bias.

In its effort towards the compatibility of employment and private life, the European Union is inclined against its mandate within the employment policy and requires the establishment of affordable facilities providing childcare for a minimum determined number. ³¹ We can assume that the treaty will not include acts of secondary law of such a nature. From the viewpoint of economy competences we can assume that the European law treats the family as an exclusively economic agenda. "The access method focuses primarily on the rights of an individual, being a person conceived as an

3.5 South-European Model

We can assume that the treaty will not include acts of secondary law of such a nature. From the viewpoint of economy competences we can assume that the European law treats the family as an exclusively economic agenda. "The access method focuses primarily on the rights of an individual, being a person conceived as an economic subject."³²

Essential rights treat the family in another, personal context. The family is perceived as a natural, original society. If, by the Lisbon Treaty, the European Charter of Essential Rights becomes legally binding, the question arises o where the basic articles on the family should not be given more attention from the viewpoint of a comprehensive family policy. This applies to ensuring legal, economic and social protection of the family (Art. 33, Para. 1 of the Charter) and to ensuring from the viewpoint of unified family and professional life, that each individual has the right to be protected against being discharged because of maternity, as well as a title to a paid maternity leave after the birth or adoption {Art. 33, Para. 2 of the Charter).³³ European politicians expect these provisions to increase the efficiency of the European family policy. ³⁴ However, legal support for these political expectations cannot be sustained by articles contained in a summary of essential rights. Essential rights as-

sume the specification of authorizations. They control and specify the scope of their actions, but do not substantiate them. According to the Charter, essential rights are supranational, if sufficient. However, they do not contain any new authorizations³⁵ and do not extend the scope of their activity.

4. Conclusions for and against Adopting a Common European Family Policy

Based on the above-mentioned it is clear that the European Union disposes of only marginal and disparate authorizations in the family policy sphere and these are limited to economic aspects, as a principle.³⁶ However, it is not reflected in the common practice of the Union bodies. They extensively enforce their authorizations. Where the treaty text provides only a symbolic finger of aid, they tend to grab the whole hand. Specification of authorizations is, however, not defined selectively, and certainly not by various spheres, as in the Federal Constitution due to the limitation of central institutions and member states, but based on the determined objectives for establishing a unified EU internal market.³⁷ This corresponds to the nature of the Community. Contrary to the federal state, the Union is not a final structure, but an unfinished construction site. Static elements of institutions remit to dynamic elements of integration. The Union is not saturated from the viewpoint of authorizations. Thus, the Union seeks to acquire extensive authorizations in dividing authorizations by contractual right for the family policy sphere. In this process, the arguments usual for the integration process could be helpful.

One of these is the doctrine of implicit authorizations, according to which unwritten authorizations are implied from specific internal logics of the given authorities.³⁸ For the family policy sphere, this logic cannot be derived in the excess of the framework of determinate authorities. Of course, in actual life, everything is connected to everything. This is, however, not an argument for specifying authorities. Specifying authorities separates associated scopes of actions and redistributes them to the various parties involved.

Table 1: Development of the Fertility Rate

Years :	1970	1990	2007
Country			
A	2.29	1.45	1.37
B	2.25	1.62	1.64
BG	2.18	1.81	1.39

CY	2.54	2.42	1.80
CZ	1.91	1.89	1.22
D	2.03 ¹	1.45	1.40
DK	1.95	1.67	1.74
E	2.90	1.36	1.29
EST	2.16	2.04	1.41
F	2.47	1.78	1.98
FIN	1.82	1.78	1.73
GR	2.39	1.39	1.35
H	1.98	1.87	1.33
I	2.42	1.33	1.29
IRL	3.93	2.11	1.86
L	1.98	1.61	1.78
LT	2.40	2.03	1.21
LV	2.01	2.02	1.28
M	2.02	2.04	1.51
NL	2.57	1.62	1.66
P	2.83	1.57	1.48
PL	2.80	2.04	1.26
RO	2.88	1.83	1.38
S	1.92	2.13	1.66
SK	2.40	2.09	1.33
SLO	2.10	1.46	1.46
UK	2.43	1.83	1.66
EU 15	2.38	1.58	1.55
EU 27	2.22	1.66	1.50
J	2.09	1.52	1.23
USA	2.48	2.08	2.09
IND	5.43	3.80	2.81
VRC	4.86	2.18	1.75
WELT	4.47	3.05	2.59

1) West Germany only

Source: Institut der Deutschen Wirtschaft Köln 2008

Table 2: Unemployment Rate

total				men			women		
Years :	1980	1990	2006	1980	1990	2006	1980	1990	2006
Country:									
A	.	68.3 ²	70.2	.	77.5 ²	76.9	.	58.8 ²	63.5
B	53.1 ³	54.4	60.4	69.9 ³	68.1	67.0	36.4 ³	40.8	53.6
CZ	.	69.0 ⁴	65.3	.	77.6 ⁴	73.7	.	60.4 ⁴	56.8
D	65.2	64.1	67.2	81.1	75.7	72.9	49.6	52.2	61.5
DK	70.3 ³	75.4	76.9	76.2 ³	80.1	80.6	64.3 ³	70.6	73.2
E	52.7	51.8	65.7	77.2	71.9	77.3	28.5	31.8	54.9
F	64.1	59.9	62.3	78.2	69.7	67.5	50.0	50.3	57.1
FIN	70.7	74.1	68.9	75.5	76.7	70.5	66.1	71.5	67.3
GR	54.9 ³	54.8	61.0	77.2 ³	73.4	74.6	34.4 ³	37.5	47.5
H	.	58.0 ⁵	57.3	.	64.0 ⁵	63.8	.	52.3 ⁵	51.2
I	53.9	52.6	58.4	75.2	69.2	70.5	33.4	36.2	46.3
IRL	53.7 ⁶	52.1	68.1	74.9 ⁶	67.5	77.3	31.9 ⁶	36.6	58.8
L	58.6 ³	59.2	63.6 ⁷	78.6 ³	76.4	73.3 ⁷	38.6 ³	41.4	53.7 ⁷
NL	54.5	61.8	72.4	74.2	75.7	78.7	34.2	47.5	66.0
P	64.3	67.4	67.9	84.1	80.1	73.9	45.8	55.4	62.0
PL	.	59.9 ⁵	54.5	.	66.9 ⁵	60.9	.	53.1 ⁵	48.2
S	79.8	83.1	74.5	86.2	85.2	76.8	73.3	81.0	72.1
SK	.	59.8 ²	59.4	.	67.2 ²	67.0	.	52.6 ⁵	51.9
UK	65.9 ⁸	72.5	72.5	77.4 ⁸	82.1	78.4	54.5 ⁸	62.8	68.8
EU 15	60.4	61.5	66.0	78.3	74.3	73.5	42.9	48.7	58.5
J	66.8	68.6	70.0	82.6	81.3	81.0	51.4	55.8	58.8
USA	67.2	72.2	72.0	79.7	80.7	78.1	55.4	64.0	66.1
OECD	64.2	65.6	66.1	79.5	77.5	75.6	49.3	53.9	56.8

1 Paid employment. ages 15 to 64 years in % of population of the same age;

2 1994; 3 1983; 4 1993; 5 1992; 6 1981; 7 2005; 8 1984; 9 1991

Source: OECD und Institut der deutschen Wirtschaft Köln 2008

- ¹ Educational Target, Art. 1, Para 1 of the Social Code (SGB) VIII.
- ² General: *Josef Isensee*, Basic legal assumptions and institutional viewpoints on applying fundamental rights v: ders./Paul Kirchhof (publisher), State Law Manual of the Federal Republic of Germany (HStR), Volume V, ²2000, Art. 115 no. 13 and the following, no. 158 and the following.
- ³ EWSA (N **Chyba! Záložka není definována.**), 3.11.
- ⁴ Details in *Josef Isensee*, Tasks of the State, in: State Law Manual of the Federal Republic of Germany (HStR), volume IV, ³2006, § 73 Rn. 55 and the following (postface).
- ⁵ Art. 5 para. 1, no. 7 par. 1 page. 2 SES, art. 3 para. 1 page. 2 EA. Reference *Matthias Herdegen*, European Law, ¹⁰2008, § 9 no 55 and following; *Georg Lienbacher*, in: Jürgen Schwarze (publisher), EU-commentary, ²2009, SES no. 5, no. 9 f.; From the German constitution viewpoint, German Constitutional Court 89, 155 (188, 191 and following); *Paul Kirchhof*, Maastricht resolution of German Constitutional Court, v: Peter Hommelhoff/Paul Kirchhof (publisher), Association of States of the European Union, 1994, page 22.
- ⁶ *Lienbacher* (no. 5), SES Art. 5, Para. 9.
- ⁷ More in German Constitutional Court (BVerfGE) 89, 155, 194 and following
- ⁸ European Court of Justice (EuGH) on the matter of 45/86, of Coll.
- ⁹ On EU Legitimizing Art. 33 of the Charter: European Economic and Social Committee, Opinion The family and demographic change v. 14./15.03.2007 (CESE 423/2007), 1.1.1. – Juristic View: *Hans-Werner Rengeling/Peter Szczekalla*, Essential Law in the European Union, 2004, page 467 and the following 813 f. Further similar provisions of Art. 7, 9, 14, 24, 32, 34.
- ¹⁰ On the issue EWSA (No. **Chyba! Záložka není definována.**), 3.4, 3.5 – along with regrets for forgetting to mention in the revised EU treaties in Art. 3 of the final list the explicit reference to "support of family life". This is, however, from the legal point of view, the core of the issue.
- ¹¹ Concisely *Carl Otto Lenz/Klaus-Dieter Borchardt*, Treaty of European Constitution, 2005, page 23 - to the original constitutional treaty. Compare with *Rengeling/Szczekalla* (no. 9), page. 154 f., 717. – Analogically on authorizations in federal state *Jost Pietzcker*, Rules for specifying authorizations and collision law in federal states, v: HStR volume VI, ³2008, § 134.no. 12.
- ¹² By the conception of the *Committee* itself, it does not have "any direct competences" in childcare (Report, no 2, page 7). Compare with *Rengeling/Szczekalla* (no. 9), page 474.
- ¹³ *Herdegen* (no. 5), page 179; *Lienbacher* (no 5), SES art. 5, no. 10; *Josef Isensee*, Authorizations in a Federal State: HStR VI, ³2008, § 133 no. 51 and following..
- ¹⁴ On this issue *Thomas Oppermann*, European Law, ³2005, page 191 f.; *Herdegen* (no. 5), page 176; *Christian Koenig/Andreas Haratsch*, European Law, ³2000, no. 62; *Lienbacher* (no. 5), SES art. 5 no. 12.
- ¹⁵ Details in *Josef Isensee*, Tasks of State, in: State Law Manual of the Federal Republic of Germany (HStR), volume IV, ³2006, § 73 Rn. 55 and the following (postface).
- ¹⁶ Directive 18 of integrated directives 2008-2010.
- ¹⁷ EWSA (no. **Chyba! Záložka není definována.**), 3.3.
- ¹⁸ On EU Legitimizing Art. 33 of the Charter: European Economic and Social Committee, Opinion The family and demographic change v. 14./15.03.2007 (CESE 423/2007), 1.1.1. – Juristic View: *Hans-Werner Rengeling/Peter Szczekalla*, Essential Law in European Union, 2004, page 467 and the following 813 f. Further similar provisions of Art. 7, 9, 14, 24, 32, 34.
- ¹⁹ On the issue EWSA (No. **Chyba! Záložka není definována.**), 3.4, 3.5 – along with regrets for forgetting to mention in the revised EU treaties in Art. 3 of the final list the explicit reference to "support of family life". This is, however, from the legal point of view, the core of the issue.
- ²⁰ Concisely *Carl Otto Lenz/Klaus-Dieter Borchardt*, Treaty of the European Constitution, 2005, page 23 - to the original constitutional treaty. Compare with *Rengeling/Szczekalla* (no. 9), page. 154 f., 717. – Analogically on authorizations in a federal state *Jost Pietzcker*, Rules for specifying authorizations and collision law in federal states, v: HStR volume VI, ³2008, § 134.no. 12.
- ²¹ By the conception of the *Committee* itself, it does not have "any direct competences" in childcare (Report, no 2, page 7). Compare with *Rengeling/Szczekalla* (no. 9), page 474.
- ²² *Herdegen* (no. 5), page 179; *Lienbacher* (no 5), SES art. 5, no. 10; *Josef Isensee*, Authorizations in a Federal State: HStR VI, ³2008, § 133 no. 51 and following..
- ²³ Details in *Josef Isensee*, Tasks of State, in: State Law Manual of the Federal Republic of Germany (HStR), volume IV, ³2006, § 73 Rn. 55 and the following (postface).
- ²⁴ On EU Legitimizing Art. 33 of the Charter: European Economic and Social Committee, Opinion The family and demographic change v. 14./15.03.2007 (CESE 423/2007), 1.1.1. – Juristic View: *Hans-Werner Rengeling/Peter Szczekalla*, Essential Law in the European Union, 2004, page 467 and the following 813 f. Further similar provisions of Art. 7, 9, 14, 24, 32, 34.

²⁵ On the issue EWSA (No. **Chyba! Záložka není definována.**), 3.4, 3.5 – along with regrets for forgetting to mention in the revised EU treaties in Art. 3 of the final list the explicit reference to "support of family life". This is, however, from the legal point of view, the core of the issue.

²⁶ Concisely *Carl Otto Lenz/Klaus-Dieter Borchardt*, Treaty of the European Constitution, 2005, page 23 - to the original constitutional treaty. Compare with *Rengeling/Szczekalla* (no. 9), page. 154 f., 717. – Analogically on authorizations in a federal state *Jost Pietzcker*, Rules for specifying authorizations and collision law in federal states, v: HStR volume VI, ³2008, § 134.no. 12.

²⁷ By the conception of the *Committee* itself, it does not have "any direct competences" in childcare (Report, no 2, page 7). Compare with *Rengeling/Szczekalla* (no. 9), page 474.

²⁸ *Herdegen* (no. 5), page 179; *Lienbacher* (no 5), SES art. 5, no. 10; *Josef Isensee*, Authorizations in Federal State: HStR VI, ³2008, § 133 no. 51 and following..

²⁹ Directive 18 of integrated directives 2008-2010.

³⁰ EWSA (no. **Chyba! Záložka není definována.**), 3.3.

³¹ Directive 18 of integrated directives 2008-2010.

³² Srovnej Nora Reich str. 820

³³ On EU Legitimizing of Art. 33 of the Charter: European Economic and Social Committee, Opinion The family and demographic change v. 14./15.03.2007 (CESE 423/2007), 1.1.1. – Juristic View: *Hans-Werner Rengeling/Peter Szczekalla*, Essential Law in European Union, 2004, page 467 and the following 813 f. Further similar provisions of Art. 7, 9, 14, 24, 32, 34.

³⁴ On the issue EWSA (No. **Chyba! Záložka není definována.**), 3.4, 3.5 – along with regrets for forgetting to mention in the revised EU treaties in Art. 3 of the final list the explicit reference to "support of family life". This is, however, from the legal point of view, the core of the issue.

³⁵ Concisely *Carl Otto Lenz/Klaus-Dieter Borchardt*, Treaty of European Constitution, 2005, page 23 - to the original constitutional treaty. Compare with *Rengeling/Szczekalla* (no. 9), page. 154 f., 717. – Analogically on authorizations in a federal state *Jost Pietzcker*, Rules for specifying authorizations and collision law in federal states, v: HStR volume VI, ³2008, § 134.no. 12.

³⁶ By the conception of the *Committee* itself, it does not have "any direct competences" in childcare (Report, no 2, page 7). Compare with *Rengeling/Szczekalla* (no. 9), page 474.

³⁷ *Herdegen* (no. 5), page 179; *Lienbacher* (no 5), SES art. 5, no. 10; *Josef Isensee*, Authorizations in a Federal State: HStR VI, ³2008, § 133 no. 51 and following..

³⁸ On this issue *Thomas Oppermann*, European Law, ³2005, page 191 f.; *Herdegen* (no. 5), page 176; *Christian Koenig/Andreas Haratsch*, European Law, ³2000, no. 62; *Lienbacher* (no. 5), SES art. 5 no. 12.